

M E M O R A N D U M

September 4, 2001

TO: Superintendents of Schools
County School Superintendents
Directors of Special Education
Charter School Administrators
Approved Private Special Education Facility Administrators
Secure Care Settings Education Administrators
Other State Agencies
Others Interested in Special Education

FROM: Bill Elvey
Education Program Specialist/Complaint Investigator
Exceptional Student Services

RE: Costs of Due Process Hearing Officers

The purpose of this memorandum is to inform all local education agencies of the policy regarding the costs of a due process hearing officer in a special education due process hearing. According to IDEA '97, all hearing costs are to paid by the local education agency. However, the Arizona Department of Education/Exceptional Student Services will reimburse the local education agency for the costs of the hearing officer if a parent files for a due process hearing and the hearing officer rules that there are no hearable issues. If this is the case, the local education agency must pay the hearing officer and then send the appropriate documentation of the hearing officer's decision and costs to the attention of Theresa Schambach at the Arizona Department of Education/Exceptional Student Services Division, 1535 West Jefferson, Phoenix, Arizona 85007. We will reimburse the local education agency for the costs of the hearing officer.